

WC 04-322

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RECEIVED

August 16, 2004

AUG 16 2004

VIA COURIER

Federal Communications Commission
Office of Secretary

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
c/o Vistrionix, Inc.
236 Massachusetts Avenue, N.E.
Suite 110
Washington, DC 20002

**Re: Section 63.71 Application of ICG Telecom Group, Inc. for Authority to
Discontinue Service in Illinois**

Dear Ms. Dortch:

On behalf of ICG Telecom Group, Inc. ("ICG"), enclosed are an original and six (6) copies of its application for authority to discontinue service in Illinois.

Please date-stamp the enclosed extra copy of this filing and return it in the envelope provided. Should you have any questions with respect to this matter, please do not hesitate to Brett Ferenchak at (202) 424-7697.

Respectfully submitted,

Brett P Ferenchak

Tamar E. Finn
Brett P. Ferenchak

Counsel for ICG

Enclosure

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

In the Matter of)	
)	
Section 63.71 Application of)	
)	
ICG Telecom Group, Inc.)	WC Docket No. 04-_____
)	
For Authority to Discontinue)	
Service in Illinois)	

SECTION 63.71 APPLICATION

ICG Telecom Group, Inc. ("ICG"), through its undersigned counsel, hereby files this Application to discontinue services pursuant to Section 63.71 of the Commission's rules, 47 C.F.R. § 63.71, and Section 214 of the Communications Act of 1934, as amended. Specifically, ICG intends to discontinue services to one customer in Illinois that was inadvertently not included in ICG's prior Section 63.71 Application.¹ The anticipated date of the discontinuance of service is September 13, 2004, or as soon as regulatory approval has been obtained. In support of this Application, ICG submits the following information:

I. Description of Discontinuance

1. Name and address of carrier

ICG Telecom Group, Inc.
161 Inverness Drive West
Englewood, CO 80112

¹ ICG and ICG Telecom Group of Virginia, Inc. filed an application to discontinue services in the District of Columbia, Illinois, Maryland, Massachusetts, New Jersey, New York, Utah, Virginia, and Washington. *See In re Application of ICG Telecom Group, Inc. and ICG Telecom Group of Virginia, Inc. for Authority to Discontinue Services in Certain States*, Section 63.71 Application, WB Docket No. 04-310 (submitted July 28, 2004). After the filing of the July 28, 2004 Application, ICG identified one additional customer whose service would be discontinued, but had not yet been sent a notification letter. This Application addresses the discontinuance of services to that one additional customer.

2. Date of planned service discontinuance

The anticipated date for the discontinuance of service described is September 13, 2004, or as soon thereafter as the necessary state and federal regulatory authorizations have been obtained.

3. Points of geographic areas of service affected

By this Application, ICG seeks authority to discontinue certain telecommunications services offered to one customer in Illinois. ICG's customers in other states remain unaffected by this Application.

4. Brief description of the type of service affected

ICG proposes to discontinue the provision of long distance services to one customer in Illinois.

5. Brief description of the dates and methods of notice to all affected customers

Written notice to the affected customer in the form of the sample letter attached as Exhibit A was mailed on August 13, 2004. The customer notice letter was prepared in accordance with the requirements of Section 63.71(a) of the Commission's Rules.

6. Non-dominance of the carrier with respect to the service to be discontinued

ICG is non-dominant with respect to the services that it proposes to discontinue.

7. Service

In accordance with Section 63.71(a) of the Commission's rules, ICG has mailed a copy of this Application to the Governor and the Public Utility Commission of Illinois, and to the Special Assistant for Telecommunications for the Secretary of Defense.

8. **Additional questions regarding this application may be addressed to:**

Tamar E. Finn
Kathleen Greenan Ramsey
Brett P. Ferenczak
Swidler Berlin Shereff Friedman, LLP
3000 K Street, Suite 300
Washington, D.C. 20007
Tel: (202) 424-7500
Fax: (202) 424-7645
Email: TEFinn@swidlaw.com
KGRamsey@swidlaw.com
BPFerenczak@swidlaw.com

For purposes of this application, ICG may be contacted at:

Scott E. Beer
Senior Corporate Counsel, Legal
ICG Communications
161 Inverness Drive West, 6th Floor
Englewood, CO 80112
Tel: (303) 414-5906
Fax: (303) 414-8869
Email: scott_beer@icgcomm.com

II. Circumstances of Discontinuance

As part of ICG's plan to refocus its business in order to maintain long term profitability,² ICG has determined to discontinue the provision of certain voice and data services in a number of states including Illinois. The affected customer has been sent a letter regarding the discontinuance and ICG will follow-up with the customer by telephone to make sure they are seeking replacement service(s) from a new service provider.

² In addition to this Application, ICG separately has entered into transactions whereby, among other things, control of ICG and its corporate parent would be transferred. ICG is in the process of seeking approval from the Commission for those transactions, to the extent necessary, and has addressed those transactions by separate filing made on July 21, 2004. See *Application of MCCC ICG Holdings, LLC, and ICG Communications, Inc., and Its Operating Subsidiaries, For Grant of Authority Pursuant to Section 214 of the Communications Act of 1934 and Section 63.04 and 63.18 of the Commission's Rules to Complete a Transfer of Control of Authorized International and Domestic Interstate Carriers*, WC Docket No. 04-290 (submitted July 21, 2004). For the avoidance of doubt, however, the discontinuance that is the subject of this Application was conceived prior to, and is unrelated to, those other transactions. As a result, ICG respectfully submits that the service discontinuance described in this Application should be considered by the Commission independently of the Commission's review of those other transactions.

III. Conclusion

ICG believes that the proposed discontinuance is reasonable and necessary. ICG will take all reasonable steps, to the extent it is able, to assure that the discontinuance of service is not unduly disruptive to the present or future public convenience and necessity. For the foregoing reasons, ICG respectfully requests, pursuant to Section 214(a) of the Communications Act of 1934, as amended, 47 U.S.C. § 214(a) and Section 63.71 of the Commission's Rules, that the Commission permit it to discontinue the provision of services to one customer pursuant to Section 63.71 as soon as possible.

Respectfully submitted,

Tamar E. Finn
Kathleen Greenan Ramsey
Brett P. Ferenczak
Swidler Berlin Shereff Friedman, LLP
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Washington, D.C. 20007
Tel: (202) 424-7500
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KGRamsey@swidlaw.com
BPFerenczak@swidlaw.com

Counsel for ICG Telecom Group, Inc.

Dated: August 16, 2004

CERTIFICATION OF APPLICANT

On behalf of ICG Telecom Group, Inc., I hereby certify that the statements in the foregoing Application for Section 63.71 authority are true, complete, and correct to the best of my knowledge and are made in good faith.

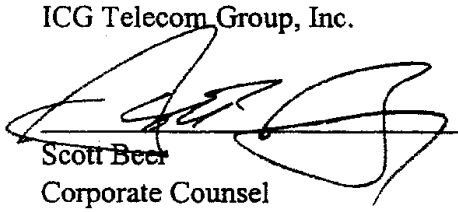
ICG Telecom Group, Inc.

By:

Name:

Title:

Date:


Scott Beer

Corporate Counsel

August 13, 2004

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Section 63.71 Application of ICG Telecom Group, Inc., was served this 16th day of August, 2004, by mailing true and correct copies thereof, postage prepaid, to the following persons at the addresses appearing below.

Secretary of Defense
Attn: Special Assistant for Telecommunications
1000 Defense Pentagon
Washington, D.C. 20301-1000

Governor Rod R. Blagojevich
Office of the Governor
207 State Capitol Building
Springfield, IL 62706

Elizabeth A. Rolando, Chief Clerk
Illinois Commerce Commission
527 E. Capitol Avenue
Springfield, IL 62701



Brett P. Ferenczak

EXHIBIT A

Sample Discontinuance Notice Letter



ICG Telecom Group, Inc.
161 Inverness Drive West
Englewood, CO 80112

NOTICE OF COMMUNICATION SERVICES DISCONTINUANCE
DO NOT DISREGARD THIS NOTICE
YOU MUST CHOOSE A NEW TELECOMMUNICATIONS SERVICE
PROVIDER BY SEPTEMBER 1, 2004

August 13, 2004

Attn: [REDACTED]
2600 W 90TH ST
EVERGREEN PARK, IL 60805-1306

RE: Telecommunications Services provided by ICG Telecom Group, Inc.

Dear ICG Customer:

We regret to inform you that ICG can no longer provide your telecommunications services in Illinois. Telecommunications services in Maryland, District of Columbia (D.C), Massachusetts, New Jersey, New York, Utah, Virginia, and Washington will also be affected; however, a separate notice was sent to you regarding your service, if any, in those locations. This notice does not affect other services you receive from ICG in other states. Accordingly, ICG must discontinue certain voice and data services, including local exchange, domestic and international long distance, VoicePipe™, iConverge™, Primary Rate Interface (PRI), Dedicated Internet Access (DIA), collocation, special access/private line service provided over ICG's own facilities, and/or high-speed data transmission services that you receive in the service location(s) listed above. This discontinuance will not affect Signaling System 7 (SS7) or resold special access/private line services. Subject to regulatory approval, the anticipated date for the discontinuance services is September 13, 2004.

YOUR ACTION IS REQUIRED! YOU MUST SELECT A NEW TELECOMMUNICATIONS SERVICE PROVIDER AS QUICKLY AS POSSIBLE BUT NO LATER THAN SEPTEMBER 1, 2004, OR YOU MAY LOSE TELECOMMUNICATIONS SERVICES, INCLUDING LOCAL SERVICE.

You must elect a new service provider as soon as possible to avoid any interruption of service. Please do not delay in arranging for a new service provider, as some providers may require several weeks to install or connect new services. To help avoid service disruption, please check carefully that all affected voice and data service types you currently have with ICG (including local exchange, domestic and international long distance, VoicePipe™, iConverge™, Primary Rate Interface (PRI), Dedicated Internet Access (DIA), collocation, facilities-based special access/private line service, and/or high-speed data transmission services) are moved to your new service provider. Once you have chosen and contacted your new provider, ICG will work with the provider you have selected to assist in the transition of your service, including, as necessary, providing your network information. Generally, you can find a list of most local telephone service providers in your local telephone directory. Other types of service providers may also be in your local telephone directory. After selecting a new local telephone service provider, you should also contact your current long distance service provider, if that provider is not ICG, to ensure that your current long distance calling plan is not changed as a result of your change in your local service.

Please be aware that you are responsible for paying all bills rendered for services provided to you by ICG up to and including those provided during the transition. You may be subject to suspension or termination of your phone service in accordance with your state Commission's rules if you fail to pay your telephone bills. Any deposits or credits associated with your account will be applied to your final bill, with any remaining balance returned to you.

The Federal Communications Commission ("FCC") permits customers to object to discontinuance of their service by a telecommunications provider. As provided in the FCC's rule 47 CFR 63.71:

The FCC will normally authorize this proposed discontinuance of service unless it is shown that customers would be unable to receive service or a reasonable substitute from another carrier or that the public convenience and necessity is otherwise adversely affected. If you wish to object, you should file your comments within 15 days after receipt of this notification. Address them to the Federal Communications Commission, Washington, D.C. 20554, referencing the Section 63.71 Application of ICG Telecom Group, Inc. Comments should include specific information about the impact of this proposed discontinuance upon you or your company, including any inability to acquire reasonable substitute service.

ICG appreciates the opportunity we have had to serve you. We are committed to making your service transition as smooth as possible. If you have any further questions regarding the discontinuance of our services, please contact us at (888) 424-4440 or (303) 414-5150.

Sincerely yours,

Scott Mull
Director
Customer Service